

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-3 and 4-9 are currently pending in this application, of which claim 1 is independent and the rest dependent. Claims 1 and 8 are currently amended and claim 4 is cancelled.

SUMMARY OF EXAMINER INTERVIEW

Initially, Applicants wish to thank Examiner Schwartz for his time during the telephone interview of October 7, 2009, the contents of which are summarized below.

The interview was initiated by the Applicants' Representative and was conducted over telephone between Examiner Schwartz and the Applicants' Representative on October 7, 2009. During the course of the interview, the rejection of claim 1 based on the Sasaki reference was discussed. The Examiner stated that "belonging," of claim 1, as per the dictionary means "in association with," and accordingly, Sasaki teaches the limitations of claim 1, because, as per the Examiner, the identifier i of Sasaki is associated with the transmitter 10 of FIG. 4.

In the preceding section, Applicants have presented clarifying amendments to precisely claim the subject matter regarded as the invention.

REJECTIONS UNDER 35 U.S.C. § 103

- **PERLMAN, SASAKI AND KUSKIN**

Claims 1-3 and 5-7 are rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 6,975,729 to Perlman ("Perlman") in view of U.S. Patent 6,351,536 to Sasaki ("Sasaki") in further view of U.S. Patent 7,185,196 to

Kuskin et al. ("Kuskin"). Applicants respectfully traverse this rejection for the reasons detailed below.

Initially, Applicants submit that claim 1 has been amended to recite "the cryptogram including **an identifier identifying the second device.**" Support for this amendment may be found at least in the Abstract section, lines 6-7 of the International Publication WO 2004/030361 corresponding to the PCT application PCT/IB2003/004190, wherein it is disclosed "If this is the case, a matching procedure is initiated wherein a cryptogram, which is contained in the second device, is transmitted, **containing an identifier which is specific to said device.**" The present application is a National Stage entry of the PCT application. (Emphasis Added)

Acknowledging the deficiencies of Perlman in teaching each and every limitation of claim 1, the Examiner relies on the teachings of Sasaki to cure the noted deficiencies of Perlman. Particularly, the Examiner alleges that Sasaki teaches "initiating the pairing procedure by transmitting a cryptogram contained in the second device, **the cryptogram including an identifier identifying the second device** and the unique pairing key, and the cryptogram being encrypted by a secret key common to all the first devices," as required by claim 1. (Emphasis Added)

Applicants submit that Sasaki explicitly states that **the identifier is used for identifying a key used in processing in the cipher network system.** The identifier *i* of Sasaki does *not* identify the transmitter 10 of Sasaki. Therefore, Sasaki fails to disclose, teach or fairly suggest "**the cryptogram including an identifier belonging to the second device,**" as recited in claim 1. Also, because Sasaki fails to teach an identifier as required by claim 1, Sasaki also fails to teach or fairly suggest "**extracting the identifier of the second device and the unique pairing key from the cryptogram,**" as recited in claim 1. (Emphasis Added)

Further, acknowledging the deficiencies of Perlman and Sasaki in teaching each and every limitation of claim 1, the Examiner relies on the teachings of Kuskin to teach **“searching for a free location among the locations reserved for the unique pairing key in the first device... storing the unique pairing key in the first device, the unique pairing key used to pair with the second device,”** as recited in independent claim 1. (Emphasis Added)

Particularly, the Examiner alleges in the Office Action at Page 5 that Kuskin, in col. 4, lines 33-64, teaches “searching for a free location among the locations reserved for the unique pairing key in the first device... storing the unique pairing key in the first device, the unique pairing key used to pair with the second device,” as recited in claim 1.

However, in Kuskin, the keys are stored in a key cache 40 (allegedly, “free location...in the first device” of claim 1, as per the Examiner) in the transceiver 26 (allegedly, the “first device” of claim 1, as per the Examiner) and these keys are neither transmitted nor received. Rather, these keys correspond with the source of transmission and are used to encrypt the packet 32 that is transmitted to the transceiver 28.

Accordingly, Kuskin fails to teach or fairly suggest **“searching for a free location among the locations reserved for the unique pairing key in the first device... storing the unique pairing key in the first device, the unique pairing key used to pair with the second device,”** as recited in independent claim 1. (Emphasis Added)

Applicants submit that Perlman, Sasaki and Kuskin, alone or in combination with each other, fail to teach or fairly suggest “an activity counter” or “a chronology counter” as recited in claim 1.

For at least all these reasons, Applicants submit that the combination of Sasaki, Perlman and Kuskin fails to render the limitations of claim 1 obvious to one of ordinary skills in the art.

Claims 2-3 and 5-7, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-3 and 5-7 under 35 U.S.C. § 103(a) be withdrawn.

- PERLMAN, SASAKI, KUSKIN AND MARINO

Claim 4 is rejected under 35 U.S.C. § 103(a), as being unpatentable over Perlman, Sasaki and Kuskin and further in view of U.S. Patent 6,026,165 to Marino et al. ("Marino"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claim 4 is patentable over Perlman, Sasaki and Kuskin, as discussed above, as Perlman, Sasaki and Kuskin fail to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claim depends. Further, Marino would fail to overcome the noted deficiencies of Perlman, Sasaki and Kuskin (if combinable, which is not admitted). Therefore, the alleged combination of Perlman, Sasaki, Kuskin and Marino fails to render the subject matter of claim 4 obvious to one of ordinary skill in the art.

- PERLMAN, SASAKI, KUSKIN AND TELLO

Claims 8-9 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Perlman, Sasaki and Kuskin and further in view of U.S. Patent 6,463,537 to Tello ("Tello"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claims 8-9 are patentable over Perlman, Sasaki and Kuskin, as discussed above, as Perlman, Sasaki and Kuskin fail to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claims depend. Further, Tello would fail to overcome the noted deficiencies of Perlman, Sasaki and Kuskin (if combinable, which is not admitted). Therefore, the alleged combination of Perlman, Sasaki, Kuskin and Tello fails to render the subject matter of claims 8-9 obvious to one of ordinary skill in the art.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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